

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ADOBE SYSTEMS INCORPORATED,

No. C 09-01083 CRB

Plaintiff,

**ORDER RE: LETTER FROM
DEFENDANT**

v.

ARSANY ZAKI,

Defendant.

The Court is in receipt of a letter from Defendant Arsany Zaki requesting to appear by telephone at the September 25, 2009 case management conference, and also requesting that he be provided with a “public defender to represent [him] on this case because [he] can’t afford [an] attorney.” The Court GRANTS Defendant’s request to appear by telephone and DENIES his request for counsel. There is no constitutional right to counsel in a civil case unless an indigent litigant may lose his physical liberty if he loses the litigation. See Lassiter v. Dep’t of Social Servs., 452 U.S. 18, 25 (1981); Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997), reh’g en banc on other grounds, 154 F.3d 952 (9th Cir. 1998). Defendant has not demonstrated that he is indigent or at risk of losing his physical liberty.

Additionally, Defendant alleges in his letter that he has “has never been served” by the Plaintiff, but has only received information from the court. The Court notes that this representation runs counter to Plaintiff’s certificate of service, filed with the Court on June

1 16, 2009, which states that Defendant was served by personal service on June 10, 2009.

2 **IT IS SO ORDERED.**

3
4 Dated: September 16, 2009



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE

United States District Court
For the Northern District of California